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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant: Donald E. Weder**

**Atty. Dkt. No. 8403.952**

**Application No.: Not Yet Assigned**

**Art Unit: 3644**

**Filed: Herewith**

**Examiner: Unknown**

**For: METHOD OF COVERING A POTTED PLANT**

**Mail Stop PATENT APPLICATION**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**INFORMATION DISCLOSURE STATEMENT**

The following sections are being submitted for this Information Disclosure Statement:

1.    ☒ Preliminary Statements
2.    ☒ FORM PTO-1449 (Modified)
3.    ☒ Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))
4.    ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5.    ☒ Copies of Listed Information Items Accompanying this Statement
6.    ☒ Identification of Person(s) Making this Information Disclosure Statement

## **Section 1. Preliminary Statements**

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

## **Section 2. Form PTO-1449 (Modified)**

☒ [X] A completed Form 1449 (Modified) is attached hereto.

☐ [ ] No Form 1449 (Modified) is attached.

## **Section 3. Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))**

Plant sleeves are old in the art. Plant sleeves typically are constructed of polymer film or paper. Plant sleeves generally are tapered (trapezoidally shaped) with an open top and an open bottom, although some have a closed bottom. A plant in a pot is placed in the plant sleeve so that the sleeve covers the pot and the plant. In some instances, an upper portion of the plant sleeve is removable along a line of perforations leaving at least a portion of the sleeve around the pot. In some instances, a separate sheet of material is placed about the pot and the remaining bottom portion of the plant sleeve holds this separate sheet of material in place. Alternatively, a floral grouping alone may be placed within the sleeve. It is also known to put potted plants in grocery bags.

It is also old in the art to form a sheet of material about a flower pot and then place an elastic band around the sheet of material to hold the sheet in place about the flower pot. In some instances, the band has been positioned about the outer surface of the pot with the sheet of material positioned between the band and the flower pot. In some instances, the band has been positioned

above the upper end of the pot thereby causing a portion of the sheet of material to be forced inwardly over the upper end of the pot.

It is also old in the art to form a sheet of material into a conically shaped tube like member referred to commonly in the art as a sleeve. A floral grouping or flower pot with flowers therein can be disposed through the larger open end of the sleeve, wherein the sleeve covers the floral grouping or the flower pot and extends above and around the flowers in the floral grouping or flower pot.

It is also old in the art that cut flowers have been wrapped with the following materials or combinations of materials:

1. Kraft paper plus waxed or unwaxed tissue paper with the flowers being placed next to the waxed paper or tissue paper.
2. Kraft paper plus newspaper plus waxed or unwaxed tissue with the flowers being placed next to the waxed or unwaxed tissue. These three materials have been used to wrap flowers in various combinations such as Kraft paper plus newspaper or Kraft paper plus waxed or unwaxed tissue paper or newspaper plus waxed or unwaxed tissue paper.
3. Waxed or unwaxed tissue paper, polymer films and Kraft paper (treated for water resistance or wet strength or untreated).
4. Polymer film and waxed tissue paper.

#### **Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted**

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 10/303,994, filed on November 21, 2002 (date).

*(complete the following, if applicable)*

- [X] This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application Serial No. 10/005,304, filed on October 26, 2001 (date).

**Section 5. Copies of Listed Information Items Accompanying this Statement**

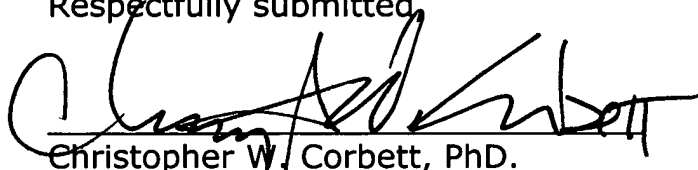
- ☒ Legible copies of all items listed in Form PTO-1449 (Modified) accompany this information disclosure statement.

**Section 6. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT**

The person making this statement is the attorney who signs below on the basis of the information:

- ☐ supplied by the inventor(s)
- ☐ supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))
- ☒ in the attorney's file

Respectfully submitted,



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<b>FORM PTO-1449</b> <small>(Fill-A-Form 7.92)</small> <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use several sheets if necessary)</i>	U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office	Attorney's Docket Number <b>8403.952</b>	Serial Number <b>Not Yet Assigned</b>
		Applicant <b>Donald E. Weder</b>	
		Filing Date <b>Herewith</b>	Group <b>3644</b>

### U. S. PATENT DOCUMENTS

EXAM INIT.		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		1	0	4	4	2	6	0	11/12/1912	Schloss			
		1	0	6	3	1	5	4	05/27/1913	Bergen			
		1	4	4	6	5	6	3	02/27/1923	Hughes			
		1	5	2	0	6	4	7	12/23/1924	Hennigan			
		1	6	1	0	6	5	2	12/14/1926	Bouchard			
		1	6	9	7	7	5	1	01/01/1929	Blake	229	87	
		1	7	9	4	2	1	2	01/18/1929	Snyder			
		1	8	1	1	5	7	4	03/14/1930	Barrett			
		2	2	0	0	1	1	1	05/07/1940	Bensel	229	1.5	
		2	3	2	3	2	8	7	07/06/1943	Amberg	229	53	
		2	3	5	5	5	5	9	08/08/1944	Renner	229	8	
		2	5	2	9	0	6	0	11/07/1950	Trillich	117	68.5	
		2	8	5	0	8	4	2	09/09/1958	Eubank Jr.	47	58	
		2	9	8	9	8	2	8	06/27/1961	Warp	53	390	
		3	0	2	2	6	0	5	02/27/1962	Reynolds	47	58	
		3	0	8	0	6	8	0	03/12/1963	Reynolds	47	37	
		3	0	9	4	8	1	0	06/25/1963	Kalpin	47	37	
		3	3	1	6	6	7	5	05/02/1965	Cartwright, Jr.			
		3	2	7	1	9	2	2	09/13/1966	Wallerstein et al.	53	3	
		3	3	2	2	3	2	5	05/30/1967	Bush	229	62	
		3	3	7	6	6	6	6	04/09/1968	Leonard	47	41	
		3	3	8	0	6	4	6	04/30/1968	Doyen et al.	229	57	
		3	4	3	1	7	0	6	03/11/1969	Stuck	53	390	

U. S. PATENT DOCUMENTS													
EXAM INIT.		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		3	5	0	8	3	7	2	04/28/1970	Wallerstein et al.	53	3	
		3	5	1	2	7	0	0	05/19/1970	Evans et al.	229	53	
		3	5	5	0	3	1	8	12/29/1970	Remke et al.	47	37	
		3	5	5	2	0	5	9	01/05/1971	Moore	47	41.12	
		3	5	5	4	4	3	4	01/12/1971	Anderson	229	55	
		3	5	5	6	3	8	9	01/19/1971	Gregoire	229	53	
		3	6	2	0	3	6	6	11/16/1971	Parkinson	206	59	
		3	8	6	9	8	2	8	03/11/1975	Matsumoto	47	34.11	
		3	9	6	2	5	0	3	06/08/1976	Crawford	428	40	
		4	0	4	3	0	7	7	08/23/1977	Stonehocker	47	66	
		4	0	9	1	9	2	5	05/30/1978	Griffo et al.	206	423	
		4	1	1	8	8	9	0	10/10/1978	Shore	47	28	
		4	1	4	9	3	3	9	04/17/1979	Hall et al.	47	67	
		4	1	5	8	6	3	1	06/19/1979	Whelan	210	497	
		4	1	8	9	8	6	8	02/26/1980	Tymchuck et al.	47	84	
		4	2	1	6	6	2	0	08/12/1980	Weder et al.	47	72	
		4	2	4	8	3	4	7	02/03/1981	Trimbee	206	423	
		4	2	6	5	0	4	9	05/05/1981	Gorewitz	47	26	
		D	2	5	9	3	3	3	05/26/1981	Charbonneau	D9	306	
		4	2	8	0	3	1	4	07/28/1981	Stuck	53	241	
		4	3	3	3	2	6	7	06/08/1982	Witte	47	84	
		4	3	4	7	6	8	6	09/07/1982	Wood	47	73	
		4	4	0	0	9	1	0	08/30/1983	Koudstall et al.	47	84	
		4	4	1	3	7	2	5	11/08/1983	Bruno et al.	206	45.33	
		D	2	7	9	2	7	9	06/18/1985	Wagner	D11	143	
		4	6	2	1	7	3	3	11/11/1986	Harris	206	423	
		4	6	4	0	0	7	9	02/03/1987	Stuck	53	390	
		4	7	1	7	2	6	2	01/05/1988	Roen et al.	383	120	

## U. S. PATENT DOCUMENTS

EXAM INIT.		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		4	7	3	3	5	2	1	03/29/1988	Weder et al.	53	580	
		4	7	7	3	1	8	2	09/27/1988	Weder et al.	47	72	
		4	8	0	1	0	1	4	01/31/1989	Meadows	206	423	
		4	8	1	0	1	0	9	03/07/1989	Castel	383	105	
		4	8	3	5	8	3	4	06/06/1989	Weder	29	525	
		D	3	0	1	9	9	1	07/04/1989	Van Sant	D11	149	
		4	9	4	1	5	7	2	07/17/1990	Harris	206	423	
		4	9	8	0	2	0	9	12/25/1990	Hill	428	34.1	
		4	9	8	9	3	9	6	02/05/1991	Weder et al.	53	397	
		D	3	1	5	7	0	0	03/26/1991	Stephens	D11	151	
		5	0	7	3	1	6	1	12/17/1991	Weder et al.	493	154	
		5	0	7	4	6	7	5	12/24/1991	Osgood	383	122	
		5	1	0	5	5	9	9	04/21/1992	Weder	53	399	
		5	1	1	1	6	3	8	05/12/1992	Weder	53	397	
		5	1	2	0	3	8	2	06/09/1992	Weder	156	212	
		5	1	5	2	1	0	0	10/06/1992	Weder et al.	47	72	
		5	1	8	1	3	6	4	01/26/1993	Weder	53	397	
		5	1	9	9	2	4	2	04/06/1993	Weder et al.	53	397	
		5	2	0	5	1	0	8	04/27/1993	Weder et al.	53	397	
		D	3	3	5	1	0	5	04/27/1993	Ottenwalder et al.	D11	164	
		5	2	2	8	2	3	4	07/20/1993	de Klerk et al.	47	41.01	
		5	2	3	5	7	8	2	08/17/1993	Landau	47	72	
		5	2	3	9	7	7	5	08/31/1993	Landau	47	72	
		5	2	4	9	4	0	7	10/05/1993	Stuck	53	399	
		5	2	5	9	1	0	6	11/09/1993	Weder et al.	29	469.5	
		5	3	0	7	6	0	6	05/03/1994	Weder	53	410	
		5	3	1	5	7	8	5	05/31/1994	Avôt et al.	47	72	

## U. S. PATENT DOCUMENTS

EXAM INIT.		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5	3	3	5	4	7	5	08/09/1994	Weder et al.	53	397	
		5	3	5	0	2	4	0	09/27/1994	Billman et al.	383	104	
		5	3	5	3	5	7	5	10/11/1994	Stepanek	53	461	
		5	3	6	1	4	8	2	11/08/1994	Weder et al.	29	469	
		5	3	8	8	6	9	5	02/14/1995	Gilbert	206	423	
		5	4	1	0	8	5	6	05/02/1995	Weder et al.	53	397	
		5	4	2	8	9	3	9	04/04/1995	Weder et al.	53	397	
		5	4	4	3	6	7	0	08/22/1995	Landau	156	191	
		5	4	9	3	8	0	9	02/27/1996	Weder et al.	47	72	
		5	4	9	6	2	5	1	03/05/1996	Cheng	493	224	
		5	4	9	6	2	5	2	03/05/1996	Gilbert	493	224	
		D	3	6	8	0	2	5	03/19/1996	Sekerak et al.	D9	305	
		5	5	2	6	9	3	2	06/18/1996	Weder	206	423	
		5	5	5	1	5	7	0	09/03/2001	Shaffer et al.	206	575	
		5	5	7	2	8	4	9	11/12/1996	Weder et al.	53	399	
		5	5	7	2	8	5	1	11/12/1996	Weder	53	399	
		5	5	9	5	0	4	8	01/21/1997	Weder et al.	53	399	
		5	6	1	7	7	0	3	04/08/1997	Weder	53	413	
		5	6	2	4	3	2	0	04/29/1997	Martinez	472	51	
		5	6	2	5	9	7	9	05/06/1997	Weder			
		5	6	4	7	1	6	8	07/15/1997	Gilbert	47	72	
		5	6	4	7	1	9	3	07/15/1997	Weder et al.	53	465	
		5	7	1	5	9	4	4	02/10/1998	Windisch	206	423	
		5	8	4	5	7	7	5	12/08/1998	Weder et al.	206	423	
		D	4	0	4	6	8	4	01/26/1999	Shea	D11	164	
		5	9	7	4	7	3	0	11/02/1999	Chien	47	41.01	
		6	0	0	0	5	4	4	12/14/1999	Weder et al.	206	423	



U. S. PATENT DOCUMENTS													
EXAM INIT.		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		D	4	1	9	4	3	6	01/25/2000	Celtorius et al.	D9	305	
		6	0	9	8	3	3	6	08/08/2000	Ferguson	206	423	
		6	1	2	9	2	0	8	10/10/2000	Ferguson	206	423	
		6	1	2	9	2	0	9	10/10/2000	Tchira	206	423	

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION														
EXAM INIT.		DOCUMENT NUMBER							PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	Translation	
		YES	NO											
		4	2	3	1	9	7	8✓	06/21/1979	Australia				
			6	5	4	4	2	7✓	01/02/1965	Belgium			X	
		0	0	5	0	9	9	0✓	05/05/1982	EPO			X	
		0	7	9	1	5	4	3✓	08/27/1997	EPO			X	
		1	3	7	6	0	4	7✓	09/14/1964	France			X	
		2	0	3	6	1	6	3✓	12/24/1970	France			X	
		2	1	3	7	3	2	5✓	12/29/1972	France			X	
		2	2	7	2	9	1	4✓	12/26/1975	France			X	
		2	4	8	9	1	2	6✓	03/05/1982	France			X	
		2	6	0	3	1	5	9✓	03/04/1989	France			X	
		2	6	1	0	6	0	4✓	08/12/1988	France*(see FN below)			X	
		2	6	1	9	6	9	8✓	03/1989	France			X	
		2	6	5	1	6	6	3	09/14/1989	France			X	
				1	5	5	5	0✓	06/02/1900	Germany			X	
			3	4	5	4	6	4✓	12/12/1921	Germany			X	
			5	1	3	9	7	1✓	11/27/1930	Germany			X	
		1	1	3	1	0	4	3	12/13/1962	Germany			X	
		1	1	6	6	6	9	2✓	03/26/1964	Germany			X	
		1	9	6	2	9	4	7✓	06/24/1971	Germany			X	

EXAM INIT.	DOCUMENT NUMBER							PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	Translation Page 6 of 7 YES NO	
		2	0	6	0	8	1	2✓	11/04/1971	Germany		X	
		2	7	4	8	6	2	6✓	05/03/1979	Germany		X	
		3	4	4	5	7	9	9✓	06/19/1986	Germany		X	
		3	6	0	1	2	0	7	07/23/1987	Germany			X
		3	8	2	9	2	8	1✓	05/18/1989	Germany			X
		3	9	1	1	8	4	7✓	10/25/1990	Germany		X	
			2	2	4	5	0	7✓	04/30/1996	Italy		X	
			5	4	2	9	5	8✓	02/23/1993	Japan		X	
		6	1	2	7	5	5	5✓	05/10/1994	Japan		X	
		8	-	1	9	3	3	4✓	01/23/1996	Japan		X	
		1	0	0	0	6	5	8✓	01/05/1996	Netherlands		X	
		8	3	0	1	7	0	9✓	12/1984	Netherlands		X	
		8	7	0	2	2	0	4	09/16/1986	Netherlands		X	
		9	3	1	5	9	7	9✓	08/19/1993	PCT		X	
		9	7	1	2	8	1	9✓	04/10/1997	PCT		X	
		2	2	1	2	1	3	6✓	07/19/1989	United Kingdom		X	
			5	6	0	5	3	2✓	04/15/1975	Switzerland		X	
					5	6	0	5✓	05/06/1885	United Kingdom			
		1	2	0	4	6	4	7✓	09/09/1970	United Kingdom			
		2	0	5	6	4	1	0✓	03/18/1981	United Kingdom			
		2	0	7	4	5	4	2✓	11/04/1981	United Kingdom			
		2	1	2	8	0	8	3✓	04/26/1984	United Kingdom			
		2	2	0	3	1	2	7✓	10/12/1998	United Kingdom			
		2	2	5	2	7	0	8✓	08/19/1992	United Kingdom			

EXAM INIT.	OTHER MATERIALS												
		(Including, Author, Title, Date, Relevant Pages, Place of Publication.**)											
		Speed Cover Brochure, "The Simple Solution For Those Peak Volume Periods", Highland Supply Corporation, ©1989.											

EXAM INIT.	OTHER MATERIALS (Including, Author, Title, Date, Relevant Pages, Place of Publication.**)			
		"Speed Sheets and Speed Rolls" Brochure, Highland Supply Corporation, ©1990.		
		"Color Them Happy with Highlander Products" ©1992.		
		"Costa Keeps the Christmas Spirit", Supermarket Floral, September 15, 1992.		
		"Super Seller", Supermarket Floral, September 15, 1992.		
		"Halloween", Link Magazine, September 1992.		
		"Now More Than Ever", Supermarket Floral, September 15, 1992.		
		Le Plant Sac Advertisement, published prior to September 26, 1987.		
		"A World of Cut Flower and Pot Plant Packaging" Brochure, Klerk's Plastic Products Manufacturing, Inc., published prior to March 31, 1994, 6 pages.		
		Chantler & Chantler brochure showing Zipper Sleeve™ and Florasheet®, published prior to March 31, 1994, 2 pages.		
		"Stand Alone Plastic Bagmaking" brochure, AMI, Atlanta, GA, February 15, 1996, 2 pages.		
		"Foil Jackets" brochure, Custom Medallion, Inc., December, 1996, 2 pages.		
		"Derwent Abstract" of FR 2610604A. It is noted that the abstract is an incorrect English translation of the contents of the French patent. The French patent does not enable or disclose adhesively attaching the covering to the container. 1988.		
		"Silver Linings" Brochure, Affinity Diversified Industries, Inc., 1986. The Silver Linings brochure shows a floral sleeve with a closed bottom. The brochure shows, in one embodiment, a vase with flowers inside a "cut flower" sleeve with the sleeve tied with a ribbon about the neck of the vase.		
		"Special Occasion Printed Highlophane Bags" Brochure, Highland Supply Corporation, 1990, 2 pages.		
		"Creative Packaging" Brochure, John Henry Company, Sept. 1992.		
		"Make Highlander Your Headquarters" Brochure, Highland Supply Corporation, 1991.		
		GILBERT, "Bouquet Container", U.S. Patent Application Publication, Pub. No. US 2001/0049903 A1, Pub. Date: 12/13/2001.		
<table border="1"> <tr> <td>EXAMINER</td> <td>DATE CONSIDERED</td> </tr> </table>			EXAMINER	DATE CONSIDERED
EXAMINER	DATE CONSIDERED			
<p>EXAMINER: Initial if citation considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant. **Place of Publication refers to name of publication in which the information was published.</p>				